

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 97-739

April 22, 1998

PUBLIC UTILITIES COMMISSION
Rulemaking: Bidding Processes
and Terms and Conditions for
Standard Offer Electric Service
(Chapter 301)

ORDER FINALLY
ADOPTING RULE AND
STATEMENT OF POLICY
BASIS

WELCH, Chairman; NUGENT and HUNT, Commissioners

In this Order, we finally adopt rules governing the terms and conditions of standard offer service and the process for selecting standard offer providers. On February 11, 1998, the Commission provisionally adopted a rule establishing the terms and conditions of standard offer service and the process for selecting standard offer providers. Since the rule was denominated as a "major substantive" rule by 35-A M.R.S.A. § 3212(1), it required Legislative approval under 5 M.R.S.A. §§ 8071-8074. In compliance with those provisions, the rule was submitted to the Legislature for approval. On March 30, 1998, Governor King signed into law Resolves 1997, ch. 100, which authorizes final adoption of the standard offer rule.

Although Chapter 100 authorizes the final adoption of the standard offer rule, it also requires that one change be made in the language of the provisional rule. Chapter 100 requires that an additional provision be inserted to clarify that a transmission and distribution utility may recover through a rate case proceeding reasonable costs that are incurred by the transmission and distribution utility in providing standard offer service after a default by the standard offer service provider if those costs are not covered by revenues received from standard offer customers or by the bond, letter of credit or corporate guarantee filed by the standard offer service provider. An additional provision has been added at Section 9, paragraph D, of the final rule to reflect the clarification required by Chapter 100.

Accordingly, we

O R D E R

1. That the attached Chapter 301, Bidding Processes and Terms and Conditions for Standard Offer Electric Service is hereby finally adopted;

2. That the Administrative Director shall file the finally adopted rule and related materials with the Secretary of State; and
3. That the Administrative Director shall send copies of this Order and attached rule to:
 - A. All electric utilities in the State;
 - B. All persons who have filed with the Commission within the past year a written request for notices of rulemakings;
 - C. All persons on the Commission's list of persons who wish to receive notice of all electric restructuring proceedings;
 - D. All persons who have filed comments in Docket No. 97-739; and
 - E. The Executive Director of the Legislative Council, (20 copies).

Dated at Augusta, Maine this 22nd day of April, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Hunt